



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/982,981	10/22/2001	George D. Escobar	06975-166002	7232
26171 7590 07/02/2008 FISH & RICHARDSON P.C. P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022				
EXAMINER				
BROWN, RUEBEN M				
ART UNIT		PAPER NUMBER		
2623				
MAIL DATE		DELIVERY MODE		
07/02/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

ADVISORY ACTION

Response to Arguments

1. Applicant's arguments filed 5/27/08 have been fully considered but they are not persuasive. Applicant argues on pages 13-16 that Macrae does not teach the claimed feature of *'monitoring the particular web page content viewed while the particular television channel content is viewed; and determining that the particular web page content viewed while the particular television channel content is viewed is related to the particular television channel content'*. The claimed features were previously recited in claims 84, 87 & 90, and now claims 1, 12 & 22, are amended, respectively, to include the instant subject matter.

Examiner respectfully disagrees with applicant's argument that Macrae does not teach the recited subject matter. Macrae teaches that the viewer's access to and viewing of particular web sites and particular TV channel content is monitored and analyzed. Macrae specifically teaches in Para [0298], **"Every time** the viewer interacts with the EPG or the television, the EPG records the viewer's actions **and the circumstances surrounding those actions**. For instance, when the viewer changes channels, the EPG records among other things, information about the first channel, the changed-to-channel, the time that the change was made, the identification of the programming that was displayed on the first channel, the identification of the programming that was displayed on the changed-to-channel,..., the identification of any advertisement that was displayed on the changed-to-channel,...", emphasis added. Macrae goes on to discuss in Para

[0300], “The EPG also **records information surrounding the viewer’s interaction** with external sources of information, such as the Internet. For instance, the EPG records...and viewer interactions with the EPG during the same time-frame as the viewer interacts with the Internet”, emphasis added.

Therefore, Macrae is quite clear that the viewer’s profile analysis includes all concurrent activity, notwithstanding applicant’s argument to the contrary, as found on page 14, 1st paragraph. The profile analysis found in Macrae is designed to determine which particular web content and/or advertisements that are displayed and/or interacted while a particular channel is being viewed.

Applicant goes on to argue that even though Macrae states that the system captures, i.e., determines the number and which particular web sites that were viewed during a viewing session, that apparently “during a viewing session”, is broader than and does not read on the claimed *‘the particular television channel content’*. Examiner respectfully disagrees, since the profile analysis of the viewing session includes a determination of which particular TV channel(s) were viewed at which particular time(s). Thus, the system inherently determines which particular web sites were accessed and displayed during the viewing of which particular TV channel(s) that were being viewed.

Para [0305] states that during a particular viewing session, the system determines that the viewer watched a particular channel...interacted with a particular web site...and also at least the

theme of the programming watched. As for the specific feature of *'determining that the particular web page content viewed while a particular television channel content is viewed is related to the particular television channel content'*, Para [0307] explicitly states, "once the Profile Program detects a Viewer Preference, the Profile Program compares, e.g., the number of times the viewer interacts with the EPG or an external information source such as the Internet during a telecast of a program that relates to the Viewer Preference (e.g., basketball game involving the viewer; favorite team) with e.g., the number times that the viewer interacts with the EPG or the Internet during a telecast of a program that does not relate to the viewer Preference". According to Macrae, this analysis is done in order to develop a multi-dimensional profile of the viewer. As mentioned above, not only does Macrae record the number of times of Internet interaction, during a particular telecast, but also which particular web sites were viewed, during the instant telecast.

Thus, once the system determines that a viewer has a certain preference, for instance for the Washington Redskins, and is in fact watching a football game involving the Redskins, the system determines the number of times that the viewer interacts with **web sites that are related** to the Washington Redskins and the number of times that the viewer interacts with **web sites that are not related** to the Washington Redskins, during the telecast. Therefore the disclosure of Macrae reads on the claimed subject matter.

Applicant's proposed amendments are entered, and are rejected as discussed in the above paragraphs, in view of the Final Rejection mailed 3/26/2008.

Any response to this action should be mailed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

or faxed to:

(571) 273-8300, (for formal communications intended for entry)

Or:

(571) 273-7290 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Reuben M. Brown whose telephone number is (571) 272-7290. The examiner can normally be reached on M-F (9:00-6:00), First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on (571) 272-7331. The fax phone numbers for the organization where this application or proceeding is assigned is (571) 273-8300 for regular communications and After Final communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Chris Kelley/
Supervisory Patent Examiner, Art Unit 2623